# IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

GEOTAG, INC.,	
v.	2:10-cv-265
FRONTIER COMMUNICATIONS CORP., et al.,	
GEOTAG, INC.,	
v.	2:10-cv-272
YELLOWPAGES.com LLC	
GEOTAG, INC.,	
v.	2:10-cv-569
GEORGIO ARMANI S.P.A., et al.,	
GEOTAG, INC.,	
v.	2:10-cv-570
AROMATIQUE, INC., et al.,	
GEOTAG, INC.,	
v.	2:10-cv-571
GUCCI AMERICA, INC., et al.,	
GEOTAG, INC.,	
v.	2:10-cv-572
STARBUCKS CORP., et al.,	

GEOTAG, INC.,	
<b>v.</b>	2:10-cv-573
RENT-A-CENTER, INC., et al.,	
GEOTAG, INC.,	
<b>v.</b>	2:10-cv-574
THE WESTERN UNION COMPANY, et al.,	· · · · · · · · · · · · · · · · · · ·
GEOTAG, INC.,	
V.	2:10-cv-575
ROYAL PURPLE, INC., et al.,	
GEOTAG, INC.,	
<b>v.</b>	2:10-cv-587
YAKIRA, L.L.C., et al.,	
GEOTAG, INC.,	
V.	2:11-cv-175
WHERE 2 GET IT, INC., et al.,	
GEOTAG, INC.,	
V.	2:11-cv-403
ZOOSK, INC.	_

GEOTAG, INC.,	
v.	2:11-cv-404
EYE CARE CENTERS OF AMERICA, INC., et al.,	
GEOTAG, INC.,	
v.	2:11-cv-405 <sup>1</sup>
CIRCLE K STORES, INC., et al.,	
GEOTAG, INC.,	
<b>v.</b>	2:11-cv-421
AMERCO, et al.,	
GEOTAG, INC.,	
v.	2:11-cv-424
7-ELEVEN, INC., et al.,	
GEOTAG, INC.,	
<b>v.</b>	2:11-cv-425
SUNBELT RENTALS, INC.	
GEOTAG, INC.,	
v.	2:11-cv-426
CLASSIFIED VENTURES, LLC	

<sup>&</sup>lt;sup>1</sup> Including Case Nos. 2:12-cv-436 through 488.

GEOTAG, INC.,	
v.	2:12-cv-43
CANON INC., et al.,	
WHERE 2 GET IT, INC.,	
v.	2:12-cv-149
GEOTAG, INC.	

# DEFENDANTS' NOTICE OF COMPLIANCE WITH SCHEDULING AND DISCOVERY ORDER

In compliance with Section II, Subparagraph 5 of the Court's August 3, 2012 Scheduling and Discovery Order (*see e.g.*, Case No. 2:10-cv-570 at Dkt. No. 465), the under-signed Defendants respectfully provide notice and designate Willem G. Schuurman of Vinson & Elkins LLP and the defendants represented by Mr. Schuurman as "Lead Defendant" for the purposes of Claim Construction in the above-captioned actions.<sup>2</sup>

For the reasons set forth in its Emergency Motion to Stay Scheduling Order Deadlines and Objection to Scheduling Order (Dkt. No. 422), in order to preserve its rights, Defendant J. Crew Group, Inc. ("J. Crew") restates its objection to the requirement that the defendants designate a Lead Defendant. The following parties also join in J. Crew's objection: HEB Grocery Co., PSP Group, LLC, Domino's Pizza, Inc., Terex Corporation, Diesel U.S.A., Inc., Applied Industrial Technologies, Inc., Canon U.S.A., Inc., and Academy Ltd.

Dated: August 17, 2012 Respectfully submitted,

# /s/ Willem G. Schuurman

Willem G. Schuurman (TX Bar No. 17855200)
Avelyn M. Ross (TX Bar No. 24027871)
Ajeet P. Pai (TX Bar No. 24060376)
James D. Shead (TX Bar No. 24070609)
Patrick Doll (TX Bar No. 24078432)
VINSON & ELKINS L.L.P.
2801 Via Fortuna, Suite 100
Austin, Texas 78746-7568
Tel: (512) 542-8400
Fax: (512) 236-3218
bschuurman@velaw.com
aross@velaw.com
apai@velaw.com
jshead@velaw.com
pdoll@velaw.com

ATTORNEYS FOR DEFENDANTS
7-ELEVEN, INC., BARE ESCENTUALS, INC.,
BURBERRY LIMITED, CHRISTIAN DIOR
PERFUMES, LLC, CRABTREE & EVELYN,
LTD., DONNA KARAN INTERNATIONAL
INC., GOLD'S GYM INTERNATIONAL, INC.,
LVMH MOET HENNESSY LOUIS VUITTON,
INC., AND SEPHORA USA INC.

# /s/ Michael A. Bittner

Neil J. McNabnay
Texas Bar No. 24002583
njm@fr.com
Michael A. Bittner
Texas Bar No. 24064905
mrb@fr.com
Jane J. Du
Texas Bar No. 24076355
jjd@fr.com
FISH & RICHARDSON P.C.
1717 Main Street, Suite 5000
Dallas, Texas 75201
(214) 747-5070 - Telephone
(214) 747-2091 - Facsimile

#### **COUNSEL FOR DEFENDANTS**

**AMERICA GREETINGS CORPORATION; ASICS** AMERICA CORP.; AVIS BUDGET GROUP, INC.; AVIS RENT A CAR SYSTEM, LLC; BEST MAID PRODUCTS, INC.; BJ'S WHOLESALE CLUB, INC.; THE BOEING COMPANY; BROOKSTONE COMPANY, INC.; BURGER KING CORP.; CABELA'S, INC.; CHANEL, INC.; CHARMING SHOPPES INC.; CICI ENTERPRISES, LP D/B/A/ CICI'S PIZZA; DAVID'S BRIDAL INC.; DOCTOR'S ASSOCIATES, INC. D/B/A SUBWAY; DOLLAR RENT A CAR, INC.; DOLLAR THRIFTY AUTOMOTIVE GROUP, INC.; DOLLAR TREE, INC.; FORMAL SPECIALISTS LTD.; GATES THAT OPEN, LLC D/B/A/ MIGHTY MULE; GUESS? RETAIL INC.; INTERSTATE BATTERY SYSTEMS OF AMERICA, INC.; JACK IN THE BOX, INC.; JOS. A. BANK CLOTHIERS INC.; KOHLER CO.; KUBOTA TRACTOR CORP.; LEARNING EXPRESS, INC.; LIVE NATION WORLDWIDE, INC.; LUXOTTICA RETAIL NORTH AMERICA INC.; MEXICAN RESTAURANTS, INC.; PIP, INC. D/B/A PIP PRINTING AND MARKETING SERVICES; POLO RALPH LAUREN CORP.; RADIO SHACK CORP.; RALPH LAUREN MEDIA, LLC: RHINO LININGS CORP.: RICHEMONT NORTH AMERICA, INC. D/B/A CARTIER; SEVEN FOR ALL MANKIND, LLC; SOUTHERN STATES COOPERATIVE; STERLING JEWELERS, INC. D/B/A JARED THE GALLERIA OF JEWELRY D/B/A KAY JEWELERS; TICKETMASTER L.L.C.; THRIFTY, INC.; ULTA SALON, COSMETICS

& Fragrance, Inc.; Van Cleef & Arpels, Inc.; Vitamin Cottage Food Markets, Inc.; Winn-Dixie Stores, Inc.

#### /s/ Brian K. Buss

Danny L. Williams
Lead Counsel
State Bar No. 21518050
Brian K. Buss
State Bar No. 00798089
WILLIAMS, MORGAN & AMERSON, P.C.
10333 Richmond Avenue, Suite 1100
Houston, Texas 77042
Telephone: (713) 934-7000
Fax: (713) 934-7011
dwilliams@wmalaw.com
bbuss@wmalaw.com

ATTORNEY FOR DEFENDANTS BESTBUY.COM, LLC; OLD NAVY, LLC; TARGET CORP.; NORDSTROM, INC.; BANANA REPUBLIC, LLC; GAP INC.; **COSTCO WHOLESALE CORP.; PETCO** ANIMAL SUPPLIES, INC.; PETCO ANIMAL SUPPLIES STORES, INC.; ZALE **DELAWARE, INC.; STARBUCKS CORP.;** DUNKIN' BRANDS, INC.; DUNKIN' DONUTS, LLC; DARDEN CORP.; MCDONALD'S CORP.; CVS PHARMACY, INC.; CUMMINS, INC.; DEERE & CO.; RITE AID CORP.; A&W RESTAURANTS, INC.; KFC CORP.; LONG JOHN SILVER'S, INC.; PIZZA HUT, INC.; TACO BELL CORP.; JC PENNEY CORPORATION, INC.; SPATIALPOINT LLC: WAL-MART STORES, INC.; COLDWATER CREEK, INC: SALLY BEAUTY SUPPLY, LLC; L.A. FITNESS INTERNATIONAL, LLC; BALLY TOTAL FITNESS CORP.: EDDIE **BAUER LLC; and HALLMARK CARDS INCORPORATED** 

Fax:

#### /s/ Jason W. Cook

Robert L. Lee (GA Bar No. 443978) bob.lee@alston.com Kamran Jivani (GA Bar No. 510908) kamran.jivani@alston.com ALSTON & BIRD LLP One Atlantic Center 1201 West Peachtree Street Atlanta, GA 30309-3424 Phone: (404) 881-7000

(404) 881-7777

Jason W. Cook (TX Bar No. 24028537) jason.cook@alston.com Derek S. Neilson (TX Bar No. 24072255) derek.neilson@alston.com ALSTON & BIRD LLP 2828 North Harwood Street, Suite 1800 Dallas, TX 75201 Phone: (214) 922-3400

Fax: (214) 922-3899

**COUNSEL FOR DEFENDANTS AFC** ENTERPRISES, INC.; BASS PRO, INC.; BPS DIRECT, L.L.C.; BASS PRO OUTDOORS ONLINE, L.L.C.; DILLARD'S, INC.; HOBBY LOBBY STORES, INC. D/B/A HOBBY LOBBY **CREATIVE CENTERS D/B/A HOBBY** LOBBY; JOANN.COM, LLC AND JO-ANN STORES, INC.; GAMESTOP CORP.; THE TJX COMPANIES, INC. D/B/A TJ MAXX: **BARNES & NOBLE, INC. AND** BARNESANDNOBLE.COM, LLC; BIG LOTS, INC. AND BIG LOTS STORES, INC.; GUCCI AMERICA, INC.; LESLIE'S POOLMART, INC. D/B/A LESLIE'S POOLMART D/B/A LESLIE'S SWIMMING POOL SUPPLIES D/B/A LESLIE'S; PANERA BREAD **COMPANY AND PANERA. LLC: AUTOZONE, INC.; CARMAX BUSINESS** SERVICES, LLC AND CARMAX, INC.; BRAKE CENTERS OF THE SOUTHWEST, INC. D/B/A JUST BRAKES AND JUST BRAKES OF NEVADA, INC. D/B/A JUST BRAKES; O'REILLY AUTOMOTIVE, INC.

D/B/A O'REILLY AUTO PARTS; THE PEP BOYS - MANNY, MOE & JACK D/B/A PEP BOYS: FAMILY DOLLAR STORES, INC. AND FAMILY DOLLAR, INC.; MATTRESS GIANT CORPORATION; WHOLE FOODS MARKET IP, L.P. AND WHOLE FOODS MARKET SERVICES, INC.; CLARK EQUIPMENT COMPANY D/B/A BOBCAT COMPANY: GRACO, INC.: THE KROGER CO.; DILLON COMPANIES, INC. D/BA DILLON FOOD STORES D/BA DILLONS D/B/A BAKER'S SUPERMARKETS D/B/A CITY MARKET D/B/A KING SOOPERS D/B/A **GERBES SUPER MARKETS; FOOD 4 LESS** GM, INC.; FOOD 4 LESS HOLDINGS, INC.; FRED MEYER STORES, INC. D/B/A **QUALITY FOOD CENTERS D/B/A QFC;** KROGER LIMITED PARTNERSHIP I D/B/A JAYC FOOD STORES D/B/A PAY LESS SUPER MARKETS; KROGER LIMITED PARTNERSHIP II; KROGER TEXAS L.P.: PAY LESS SUPER MARKETS, INC.; RALPHS GROCERY COMPANY D/B/A RALPHS D/B/A FOOD 4 LESS D/B/A FOODS CO.; SMITH'S FOOD & DRUG CENTERS, INC. D/B/A SMITH'S FOOD & DRUG STORES D/B/A SMITH'S D/B/A FRY'S FOOD STORES; THE VALSPAR CORPORATION; BELK, INC.; CMRG APPAREL, LLC; BUTH-NA-**BODHAIGE, INC.; CATALOGUE VENTURES, INC.; BROWN SHOE** COMPANY, INC.; BURLINGTON COAT **FACTORY WAREHOUSE CORP.; THE** WILLIAM CARTER COMPANY: CHICO'S FAS, INC.: CITI TRENDS, INC.: **COLLECTIVE BRANDS, INC.; GUITAR** CENTER, INC.; RITZ INTERACTIVE LLC; DOTS, LLC; THE FINISH LINE, INC.: ROYAL PURPLE, INC.; SOLUTIA, INC.

/s/ Jason W. Cook

Robert L. Lee
Bob.lee@alston.com
Kamran Jivani
Kamran.jivani@alston.com
Alston & Bird LLP
One Atlantic Center
1201 West Peachtree St.
Atlanta, GA 30309
Telephone: (404) 881-7000

Adam D. Swain Adam.swain@alston.com Alston & Bird LLP The Atlantic Building 950 F Street, N.W. Washington, DC 20004

Facsimile: (404) 881-7777

Telephone: (202) 756-3300 Facsimile: (202) 756-3333

Jason W. Cook
Jason.cook@alston.com
Derek S. Neilson
Derek.neilson@alston.com
Alston & Bird LLP
2828 Harwood St., Suite 1800
Dallas, TX 75201
Telephone: (214) 922 3400

Telephone: (214) 922-3400 Facsimile: (214) 922-3899

COUNSEL FOR DEFENDANTS
KOHL'S ILLINOIS INC., KOHL'S
DEPARTMENT STORES INC., KOHL
CORPORATION, COACH INC., STAPLES
INC., PAPA JOHNS INTERNATIONAL, INC.,
PAPA JOHNS USA INC., DUNKIN BRANDS,
INC. D/B/A DUNKIN DONUTS, DUNKIN
DONUTS, INC., BRINKER INTERNATIONAL,
INC. D/B/A ROMANO'S MACARONI GRILL
D/B/A MAGGIANO'S LITTLE ITALY, THE
HERTZ CORP. D/B/A HERTZ CORP. D/B/A
HERTZ CAR RENTAL, FIFTH THIRD
BANCORP D/B/A FIFTH THIRD BANK,
OFFICEMAX INC., STEELCASE INC.,
SUNTRUST BANKS INC. D/B/A SUNTRUST

BANK, SUNTRUST INVESTMENT SERVICES INC., HOME DEPOT USA, INC. D/B/A THE HOME DEPOT, WALGREENS, SONIC CORPORATION, WENDY'S/ARBY'S GROUP, INC., WENDY'S INTERNATIONAL INC., WENDY'S/ARBY'S RESTAURANTS, LLC,;OLDEMARK LLC; ANN, INC.; BOSE CORP.; 24 HOUR FITNESS USA, INC.; VITAMIN SHOPPE INDUSTRIES, INC.; GREAT CLIPS INC. AND JOS. A. BANK CLOTHIERS INC.

#### /s/ Brian C. McCormack

Mark D. Taylor
Texas Bar No. 19713250
mark.taylor@bakermckenzie.com
Brian C. McCormack
Texas Bar No. 00797036
brian.mccormack@bakermckenzie.com
Andrew C. Moreton
Texas Bar No. 24074755
andrew.moreton@bakermckenzie.com
BAKER & MCKENZIE LLP
2300 Trammell Crow Center
2001 Ross Avenue
Dallas, TX 75201
Tel. (214) 978-3000
Fax (214) 978-3099

COUNSEL FOR DEFENDANTS
NEW ALBERTSON'S, INC.; AROMATIQUE,
INC.; AS AMERICA, INC.; BOB EVANS
FARMS, INC.; BOB EVANS RESTAURANTS
OF MICHIGAN, LLC; CEC
ENTERTAINMENT, INC.; CEC
ENTERTAINMENT CONCEPTS, L.P.;;
ESPRIT US RETAIL LIMITED; HEELING
SPORTS, LTD.; HUGO BOSS FASHIONS,
INC.; LITTLE CAESAR ENTERPRISES, INC.;
PIGGLY WIGGLY, LLC; and QUEST
DIAGNOSTICS INCORPORATED

# /s/ Robert M. Fuhrer

George M. Sirilla (admitted pro hac vice)
Jack S. Barufka (admitted pro hac vice)
Robert M. Fuhrer (admitted pro hac vice)
PILLSBURY WINTHROP SHAW PITTMAN LLP
1650 Tysons Blvd., 14th Floor
McLean, VA 22102
703.770.7900 – Telephone
703.770.7901 – Facsimile

ATTORNEYS FOR DEFENDANTS BASS PRO, INC., BPS DIRECT, L.L.C., AND BASS PRO OUTDOORS ONLINE, L.L.C.

# /s/ Deron R. Dacus

Deron R. Dacus State Bar No. 00790553 The Dacus Firm, P.C. 821 ESE Loop 323, Suite 430 Tyler, TX 75701 903/705-1117 (phone & fax) ddacus@dacusfirm.com

Matthew A. Williams KY Bar No. 90727 WYATT, TARRANT & COMBS, LLP PNC Plaza, Suite 2800 500 West Jefferson Street Louisville, Kentucky 40202-2898 Phone: (502) 562-7378 Facsimile: (502) 589-0309

mwilliams@wyattfirm.com

Counsel for Cracker Barrel Old Country Store, Inc.

# /s/ Michael C. Smith

Michael C. Smith (TX Bar #18650410) Siebman, Burg, Phillips & Smith, LLP P.O. Box 1556 113 E. Austin Street Marshall, TX 75671-1556 (903) 938-8900 michaelsmith@siebman.com

Robert J. Lenihan, II (*pro hac vice*) Brent G. Seitz (*pro hac vice*) Harness, Dickey & Pierce, P.L.C. 5445 Corporate Drive, Suite 200 Troy, MI 48098 (248) 641-1600 rjlenihan@hdp.com bseitz@hdp.com

#### ATTORNEYS FOR LA-Z-BOY INCORPORATED

# /s/ Gregory F. Ahrens

Gregory F. Ahrens Ohio State Bar No. 0038627 (Admitted in the ED TX) gahrens@whepatent.com Wood, Herron & Evans, L.L.P. 441 Vine Street, 2700 Carew Tower Cincinnati, OH 45202 Tel: (513) 241-2324

Fax: (513) 241-6234

ATTORNEY FOR DEFENDANT NATIONAL INTERLOCK SYSTEMS, INC.; DSW, INC.

# /s/ Michael J. Harris

Christopher J. Renk (Lead Attorney) IL Bar No. 6199012 crenk@bannerwitcoff.com
Thomas K. Pratt
IL Bar No. 6209761 tpratt@bannerwitcoff.com
Michael J. Harris
IL Bar No. 6280168 mharris@bannerwitcoff.com
Banner & Witcoff, LTD.
10 S. Wacker Drive, Ste. 3000 Chicago, IL 60606
Tel: (312) 463-5000

Tel: (312) 463-5000 Fax: (312) 463-5001

# ATTORNEYS FOR DEFENDANT NIKE, INC.

# /s/ Brian W. LaCorte

talcottj@ballardspahr.com

Brian W. LaCorte (AZ Bar No. 012237) Jonathon A. Talcott (MN Bar No. 0391457) BALLARD SPAHR LLP 1 East Washington Street, Suite 2300 Phoenix, Arizona 85004 Telephone: (602) 798-5400 Fax: (602) 798-5595 lacorteb@ballardspahr.com

William Cornelius (TX Bar No. 04834700)
WILSON, ROBERTSON & CORNELIUS, P.C.
P.O. Box 7339
Tyler, Texas 75711-7339
Telephone: (903) 509-5000
Facsimile: (903) 509-5091
wc@wilsonlawfirm.com

ATTORNEYS FOR DEFENDANTS THE REINALT-THOMAS CORPORATION; AMERCO; EMOVE, INC.; U-HAUL INTERNATIONAL, INC.; U-HAUL LEASING & SALES CO.; AND WEB TEAM ASSOCIATES, INC.

# /s/ Jeremy S. Snodgrass

J. Thad Heartfield
Texas Bar No. 09346800
M. Dru Montgomery
Texas Bar No. 24010800
THE HEARTFIELD LAW FIRM
2195 Dowlen Road
Beaumont, Texas 77706
Telephone: (409) 866-3318
Fax: (409) 866-5789
thad@jth-law.com
dru@jth-law.com

Of counsel:
Ralph J. Gabric
Tadashi Horie
Rickard K. DeMille
Jeremy S. Snodgrass
BRINKS HOFER GILSON & LIONE
NBC Tower, Suite 3600
455 North Cityfront Plaza Drive
Chicago, IL 60611-5599
(312) 321-4200 (telephone)
(312) 321-4299 (facsimile)

ATTORNEYS FOR DEFENDANTS SEIKO CORPORATION OF AMERICA, SEIKO INSTRUMENTS INC., AND SEIKO WATCH CORP.

# /s/ R. Kyle Hawes

CHAMBERLAIN, HRDLICKA, WHITE, WILLIAMS & MARTIN, P.C.

R. Kyle Hawes

kyle.hawes@chamberlainlaw.com

SBN: 00796725

1200 Smith Street, Suite 1400

Houston, Texas 77002 Telephone: 713-658-1818 Facsimile: 713-658-2553

# GREENSFELDER, HEMKER & GALE, P.C.

Mary Ann L. Wymore
mlw@greensfelder.com
(Pro Hac Vice)
J. Andrew Walkup
aw@greensfelder.com
(Pro Hac Vice)
10 South Broadway, Suite 2000
St. Louis, Missouri 63102
Talanhara: 214, 241, 2000

Telephone: 314-241-9090 Facsimile: 314-345-5499

ATTORNEYS FOR DEFENDANT JIM'S FORMAL WEAR CO.

# /s/ Elizabeth L. DeRieux

S. Calvin Capshaw, III

State Bar No. 03783900

Elizabeth L. DeRieux

State Bar No. 05770585

D. Jeffrey Rambin

State Bar No. 00791478

Capshaw DeRieux, LLP

114 E. Commerce Ave.

Gladewater, Texas 75647

903) 236-9800 Telephone

(903) 236-8787 Facsimile

E-mail: ccapshaw@capshawlaw.com E-mail: ederieux@capshawlaw.com

E-mail: jrambin@capshawlaw.com

Michael N Zachary

Christensen O'Connor Johnson Kindness PLLC

1420 Fifth Ave

Ste 2800

Seattle, WA 98101

206-682-8100

Fax: 206-224-0779

Email: michael.zachary@cojk.com

# **Counsel for Defendant** Pacific Bioscience Laboratories, Inc.

# /s/ Fran Aden

Fran Aden S.D. Texas No. 611072 State Bar No. 24050202 **HUNTON & WILLIAMS LLP** 700 Louisiana, Suite 4200 Houston, Texas 77002 (713) 229-5700 (Telephone) (713) 229-5750 (Facsimile) faden@hunton.com

# ATTORNEY FOR DEFENDANT THE SCOTTS COMPANY LLC

Lindsey L. Hargrove State Bar No. 24065373 McGuireWoods LLP

JPMorgan Chase Tower

/s/ Lindsay L. Hargrove

600 Travis Street, Suite 7500 Houston, TX 77002-2906

Telephone: (713) 571-9191

Fax: (713) 571-9652

Email: lhargrove@mcguirewoods.com

David E. Finkelson (admitted *pro hac vice*)
Derek H. Swanson (admitted *pro hac vice*)
Virginia Bar No. 73463
Lead Counsel
McGuireWoods LLP
One James Center
901 East Cary Street
Richmond, VA 23219

Telephone: (804) 775-1000

Fax: (804) 775-1061

Email: dfinkelson@mcguirewoods.com Email: dswanson@mcguirewoods.com

COUNSEL FOR DEFENDANTS
REMINGTON ARMS COMPANY, INC. AND
STIHL INCORPORATED

# /s/ Eric H. Findlay

Eric H. Findlay State Bar No. 00789886 Brian Craft State Bar No. 04972020 Findlay Craft, LLP Principal Office: 6760 Old Jacksonville Hwy

Suite 101 Tyler, Texas 75703

Tel: (903) 534-1100 Fax: (903) 534-1137

Email: efindlay@findlaycraft.com Email: bcraft@findlaycraft.com

Joseph V. Saphia W. Edward Bailey Wiggin and Dana LLP 450 Lexington Avenue Suite 3800 New York, NY 10017 Tel: (212) 490-1700

Fax: (212) 490-1700 Fax: (212) 490-0536

Email: jsaphia@wiggin.com Email: ebailey@wiggin.com

Attorneys for Defendants AutoNation, Inc. and American Eagle Outfitters Inc.

# /s/ Scott Partridge

Scott F. Partridge

Texas Bar No. 00786940

Email: scott.partridge@bakerbotts.com

Elizabeth Durham

Texas Bar No. 24045815

Email: liz.durham@bakerbotts.com

William P. Rothwell

Texas Bar No. 24066005

Email: william.rothwell@bakerbotts.com

BAKER BOTTS L.L.P.

One Shell Plaza

910 Louisiana Street

Houston, Texas 77002-4995

Telephone: (713) 229-1569 Facsimile: (713) 229-7769

# ATTORNEYS FOR DEFENDANT HEB GROCERY COMPANY, LP

# /s/ Laura A. Wytsma

Jordan A. Sigale

LOEB & LOEB LLP

321 North Clark Street, Suite 2300

Chicago, IL 60610-4746 Telephone: (312) 464-3100

Facsimile: (312) 464-3111

jsigale@loeb.com

Laura A. Wytsma

LOEB & LOEB LLP

LOLD & LOLD LLI

10100 Santa Monica Blvd., Ste. 2200

Los Angeles, California 90067

Telephone: (310) 282-2000

lwytsma@loeb.com

Eric H. Findlay

FINDLAY CRAFT, LLP

6760 Old Jacksonville Hwy, Suite 101

Tyler, Texas 75703

Telephone: (903) 534-1100

EFindlay@FindlayCraft.com

# **Attorneys for Defendant Ingersoll-Rand Company**

# /s/ Charles Ainsworth

Charles Ainsworth State Bar No. 00783521 Parker, Bunt & Ainsworth, P.C. 100 E. Ferguson, Suite 1114 Tyler, Texas 75702 Telephone: 903.531.3535

Facsimile: 903.533.9687 Email: charley@pbatyler.com

# Of Counsel:

Michael A. Cohen (Admitted Pro Hac Vice) Schwabe Williamson & Wyatt PC 1211 S.W. Fifth Avenue, Suite 1600 Portland, Oregon 97204

Telephone: 503.796.2488 Facsimile: 503.796-2900 Email: mcohen@schwabe.com

Attorneys for Defendants Columbia Sportswear Company, Columbia Sportswear North America, Inc., and Columbia Sportswear USA Corp. /s/ Kirby B. Drake

Darin M. Klemchuk
State Bar No. 24002418
Casey L. Griffith
State Bar No. 24036687
Kirby B. Drake
State Bar No. 24036502
KLEMCHUK KUBASTA LLP
8150 N. Central Expy., 10<sup>th</sup> Floor
T: 214.367.6000
F: 214.367.6001
darin.klemchuk@kk-llp.com
casey.griffith@kk-llp.com
kirby.drake@kk-llp.com

ATTORNEYS FOR DEFENDANT ACADEMY, LTD.

# /s/ J. Thad Heartfield

J. Thad Heartfield

Texas Bar No. 09346800

E-mail: thad@jth-law.com

M. Dru Montgomery

Texas Bar No. 24010800

E-mail: dru@jth-law.com

THE HEARTFIELD LAW FIRM

2195 Dowlen Road

Beaumont, Texas 77706

Telephone: (409) 866-3318

Fax: (409) 866-5789

John G. Bisbikis

Illinois Bar No. 6209732

E-mail: jbisbikis@mwe.com

Avani C. Macaluso

Illinois Bar No. 6280832

E-mail: amacaluso@mwe.com

MCDERMOTT WILL & EMERY, LLP

227 West Monroe Street, Suite 4400

Chicago, Illinois 60606

Telephone: (312) 372-2000

Fax: (312) 984-7700

# COUNSEL FOR DEFENDANT CRAFTMASTER MANUFACTURING, INC.

#### /s/ J. Thad Heartfield

J. Thad Heartfield

Texas Bar No. 09346800

E-mail: thad@jth-law.com

M. Dru Montgomery

Texas Bar No. 24010800

E-mail: dru@jth-law.com

THE HEARTFIELD LAW FIRM

2195 Dowlen Road

Beaumont, Texas 77706

Telephone: (409) 866-3318

Fax: (409) 866-5789

# COUNSEL FOR DEFENDANT, CALIFORNIA PIZZA KITCHEN, INC.

# /s/ James S. Blackburn

James S. Blackburn (*Pro Hac Vice*)
James.blackburn@aporter.com
Ali R. Sharifahmadian (*Pro Hac Vice*)
Ali.sharifahmadian@aporter.com
ARNOLD & PORTER LLP
777 South Figueroa Stree
44th Floor
Los Angeles, CA 90017-5844
Telephone: +1 213.243.4000
Facsimile: +1 213.243.4199

Michael E. Jones State Bar No. 10929400 mikejones@potterminton.com Allen F. Gardner State Bar No. 24043679 allengardner@potterminton.com Daniel A. Noteware, Jr. State Bar No. 24051123 dannynoteware@potterminton.com POTTER MINTON 110 N. College Ave., Suite 500 Tyler, Texas 75702 Tel: (903) 597-8311 Fax: (903) 593-0846

# Attorneys for Defendants

Local.com Corporation; Dex One Corporation; Yellow Book USA, Inc.; Yelp!, Inc.; CityGrid Media, LLC; Match.com SN, LLC; Match.com, LLC; ServiceMagic, Inc.; People Media, Inc.; International Coffee & Tea, LLC; and Crocs Inc.

# /s/ Keith A. Robb

DOUGLAS D. FLETCHER
Attorney in Charge
Texas State Bar No. 07139500
email: doug.fletcher@fletcherfarley.com
KEITH A. ROBB
Texas State Bar No. 24004889
email: keith.robb@fletcherfarley.com
FLETCHER, FARLEY,
SHIPMAN & SALINAS, L.L.P.
8750 N. Central Expressway
Dallas, Texas 75231, 16<sup>th</sup> Floor
214-987-9600
214-987-9866 (Facsimile)

ATTORNEYS FOR DEFENDANT TASER INTERNATIONAL, INC.

# /s/ Michael J. Zinna

Charles Ainsworth
State Bar No. 00783521
Email: charley@pbatyler.com
Parker, Bunt & Ainsworth, P.C.
100 E. Ferguson, Suite 1114
Tyler, Texas 75702
Phone: (903) 531-3535

Phone: (903) 531-3535 Fax: (903) 533-9687

#### OF COUNSEL:

John F. Ward

Email: jward@wardzinna.com

Michael J. Zinna

Email: mzinna@wardzinna.com

David G. Lindenbaum

Email: dlindenbaum@wardzinna.com

Patrick R. Colsher

Email: pcolsher@wardzinna.com

Matthew C. Berntsen

Email: mberntsen@wardzinna.com

# WARD & ZINNA, LLC

380 Madison Avenue

New York, New York 10017

Phone: (212) 697-6262 Fax: (212) 972-5866

**Attorneys for Defendant Godiva Chocolatier, Inc.** 

# /s/ Terence P. Ross

Jennifer Parker Ainsworth
Texas Bar No. 00784720
jainsworth@wilsonlawfirm.com
WILSON, ROBERTSON & CORNELIUS, P.C.
909 ESE Loop 323, Suite 400
P.O. Box 7339 [75711]
Tyler, Texas 75701
Telephone: (903) 509-5000
Facsimile: (903) 509-5092

Terence P. Ross (pro hac vice) tross@crowell.com
Jeffrey D. Ahdoot (pro hac vice) jahdoot@crowell.com
CROWELL & MORING, LLP
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004-2595
Telephone: (202) 624-2500
Facsimile: (202) 628-5116

Attorneys for Defendants Enterprise Holdings, Inc. and Vanguard Car Rental USA, LLC

# /s/ Trey Yarbrough

Trey Yarbrough Bar No. 22133500 Debby E. Gunter Bar No. 24012752

YARBROUGH ♦ WILCOX, PLLC

100 E. Ferguson St., Ste. 1015

Tyler, TX 75702

Telephone: (903) 595-3111 Facsimile: (903) 595-0191 trey@yw-lawfirm.com debby@yw-lawfirm.com

Anthony F. Lo Cicero Richard S. Mandaro Benjamin Charkow AMSTER ROTHSTEIN & EBENSTEIN LLP 90 Park Avenue New York, NY 10016 Telephone: (212) 336-8000 Facsimile: (212) 336-8001

ATTORNEYS FOR DEFENDANTS APPLEBEE'S INTERNATIONAL, INC. AND APPLEBEE'S IP, LLC

# /s/ Anthony F. Lo Cicero

DineEq-GTag@arelaw.com

Anthony F. Lo Cicero
Richard S. Mandaro
Benjamin Charkow
AMSTER ROTHSTEIN & EBENSTEIN LLP
90 Park Avenue
New York, NY 10016
Telephone: (212) 336-8000
Facsimile: (212) 336-8001
DineEq-GTag@arelaw.com

ATTORNEYS FOR DEFENDANTS IHOP IP, LLC AND DINEEQUITY, INC.

/s/ R. David Donoghue

Michael C. Smith Siebman, Burg, Phillips & Smith, LLP 113 East Austin Street P.O. Box 1556 Marshall, Texas 75671-1556 (903) 938-8900 (office) (972) 767-4620 (fax) michaelsmith@siebman.com

R. David Donoghue (Pro hac vice)
Steven E. Jedlinski (Pro hac vice)
Daniel L. Farris (Pro hac vice)
HOLLAND & KNIGHT LLP
131 South Dearborn Street, 30th floor
Chicago, IL 60603
Tel: (312) 263-3600
Fax: (312)578-6666
david.donoghue@hklaw.com
daniel.farris@hklaw.com

Attorneys for Defendant Herman Miller, Inc.

# /s/ Jeff Eichen

Jeffrey L. Eichen Delaware State Bar No. 5331 Connolly Bove Lodge & Hutz LLP 1007 N. Orange Street, 9th floor P.O. Box 2207 Wilmington, DE 19899

Tel.: (302) 888-6304 Fax: (302) 658-5614 jeichen@cblh.com

Marisa M. Schouten State Bar No. 24039163 Martin Walker, P.C. 522 S. Broadway Ste 200 Tyler, Texas 75702 Tel.: (903) 526-1600 Fax: (903) 595-0796

Attorney for Defendants Dress Barn, Inc. and Maurices Incorporated

# /s/ Benjamin Hershkowitz

Benjamin Hershkowitz GIBSON, DUNN & CRUTCHER LLP 200 Park Avenue, 47th Floor New York, New York 10166-0193 Telephone: (212) 351-4000 Facsimile: (212) 351-4035

bhershkowitz@gibsondunn.com

Attorney for Defendant/Counterclaimant Footlocker.com, Inc.

# /s/ Michael A. Oakes

Edward F. Fernandes Hunton & Williams LLP 111 Congress Avenue, Suite 1800 Austin, TX 78701

Telephone: (512) 542-5000 Facsimile: (512) 542-5049

E-mail: efernandes@hunton.com

Michael A. Oakes Hunton & Williams LLP 2200 Pennsylvania Ave, NW Washington, DC 20037 Telephone: (202) 955-1500 Facsimile: (202) 778-7459

E-mail: moakes@hunton.com

ATTORNEYS FOR LOWE'S HOME CENTERS, INC

/s/ Eric H. Findlay

Eric H. Findlay
Texas Bar No. 00789886
Brian Craft
Texas Bar No. 04972020
Walter W. Lackey, Jr.
Texas Bar No. 24050901
FINDLAY CRAFT, LLP
6760 Old Jacksonville Hwy
Suite 101
Tyler, TX 75703

Telephone: (903) 534-1100 Facsimile: (903) 534-1137 efindlay@findlaycraft.com bcraft@findlaycraft.com wlackey@findlaycraft.com

William E. Devitt
Tiffany P. Cunningham (admitted pro hac vice)
Ian J. Block (admitted pro hac vice)
Kirkland & Ellis - Chicago
300 N. LaSalle Street
Chicago, IL 60654
Phone: 312-862-2000

Fax: 312-862-2200 Email: wdevitt@kirkland.com

tiffany.cunningham@kirkland.comian.block@kirkland.com

COUNSEL FOR DEFENDANTS ADVANCE AUTO PARTS, INC, ADVANCE STORES COMPANY, INC., E-ADVANCE

LLC, AND HANESBRANDS, INC.

# /s/ Phong D. Nguyen

Robert G Abrams - LEAD ATTORNEY
Gregory J. Commins, Jr.
Phong D. Nguyen (TX Bar No. 24002690)
Baker & Hostetler LLP
Washington Square, Suite 1100
1050 Connecticut Avenue, NW
Washington, DC 20036-5304
T: (202) 861-1500
F: (202) 861-1783
rabrams@bakerlaw.com
gcommins@bakerlaw.com
pnguyen@bakerlaw.com

# **Attorneys for Defendant Caterpillar Inc.**

# /s/ Stayton L. Worthington

Don V. Kelly, (Pro Hac Vice)
Eugene P. Schmittgens Jr., (Pro Hac Vice)
Benjamin M. Fletcher (Pro Hac Vice)
Evans & Dixon, LLC
211 N. Broadway, Suite 2500
St. Louis, Missouri 63102
Telephone: 314-552-4066
Facsimile: 314-884-4466
dkelly@evans-dixon.com
gschmittgens@evans-dixon.com
bfletcher@evans-dixon.com

Coghlan Crowson, LLP Stayton L. Worthington State Bar No. 22010200 1127 Judson Road, Suite 211 P.O.Box 2665 Longview, Texas 75606

# ATTORNEYS FOR DEFENDANT THE SWAN CORPORATION

# /s/ Allison H. Altersohn

Douglas R. McSwane, Jr. State Bar No. 13861300 dougmcswane@potterminton.com POTTER MINTON 110 N. College, Ste. 500 Tyler, TX 75702 Telephone: (903) 597-8311 Fax: (903) 593-0846

Allison H. Altersohn (admitted pro hac vice) aaltersohn@kslaw.com
Jonathan D. Ball (admitted pro hac vice) jball@kslaw.com
KING & SPALDING LLP
1185 Avenue of the Americas
New York, NY 10036
Telephone: (212) 556-2100
Facsimile: (212) 556-2222

# ATTORNEYS FOR DEFENDANT AVON PRODUCTS, INC

# /s/ Melissa Richards Smith

Melissa Richards Smith Texas State Bar No. 24001351 GILLAM & SMITH, L.L.P. 303 South Washington Avenue Marshall, Texas 75670 Telephone: (903) 934-8450

Facsimile: (903) 934-9257

E-mail: melissa@gillamsmithlaw.com

ATTORNEYS FOR DEFENDANTS THE WESTERN UNION COMPANY; WESTERN UNION HOLDINGS, INC.; and PIZZA INN, INC.

# /s/ Michael C. Smith

Michael C. Smith (TX Bar #18650410) Siebman, Burg, Phillips & Smith, LLP P.O. Box 1556 113 E. Austin Street Marshall, TX 75671-1556 (903) 938-8900 michaelsmith@siebman.com

Alan M. Fisch
District of Columbia Bar No. 453068
KAYE SCHOLER LLP
The McPherson Building
901 Fifteenth St., NW
Washington, DC 20005-2327
(202) 682-3500 telephone
(202) 682 3580 fax
Email: alan.fisch@kayescholer.com

**Attorney for TA Operating LLC** 

/s/ Roy W. Hardin

Roy W. Hardin LOCKE LORD BISSELL & LIDDELL LLP 2200 Ross Avenue, Suite 2200 Dallas, TX 75201

Phone: (214) 740-8000 Fax: (214) 740-8800 rhardin@lockelord.com

dkane@lockelord.com

Steven F. Meyer
David H. T. Kane
LOCKE LORD BISSELL & LIDDELL LLP
Three World Financial Center
New York, NY 10281-2101
Phone: (212) 415-8600
Fax: (212) 303-2754
smeyer@lockelord.com

Brian W. Brokate
Jeffrey E. Dupler
GIBNEY, ANTHONY, & FLAHERTY LLP
665 Fifth Avenue
New York, NY 10022
Phone: (212) 688-5151
Fax: (212) 688-8315
bwbrokate@gibney.com
idupler@gibney.com

ATTORNEYS FOR DEFENDANT ROLEX WATCH USA, INC.

# /s/ Stewart Mesher

Stewart Mesher Attorney-in-Charge CONLEY ROSE, P.C. 2508 Ashley Worth Blvd., Suite 200 Austin, TX 78738

Phone: (512) 610-3410 Fax: (512) 610-3456

Email: smesher@conleyrose.com

ATTORNEY FOR DEFENDANT MR. GATTI'S, L.P.

#### /s/ Deron R. Dacus

Deron R. Dacus
State Bar No. 00790553
Shannon M. Dacus
State Bar No. 00791004
THE DACUS FIRM, P.C.
821 ESE Loop 323, Suite 430
Tyler, Texas 75701
Tel: 903.705.1117
Fax: 903.705.1117
ddacus@dacusfirm.com
sdacus@dacusfirm.com

Michael A. Swartzendruber State Bar No. 19557702 FULBRIGHT & JAWORSKI LLP 2200 Ross Avenue, Suite 2800 Dallas, TX 75201 Tel: 214.855.8000 Fax: 214.855.8200 mswartzendruber@fulbright.com

Michael C. Barrett
State Bar No. 24006803
Mark T. Garrett
State Bar No. 24007225
Sarah R. Holland
State Bar No. 24055679
FULBRIGHT & JAWORSKI LLP
600 Congress Avenue, Suite 2400
Austin, TX 78701
Tel: 512.474.5201
Fax: 512.536.4598
mbarrett@fulbright.com
sholland@fulbright.com

Counsel for Counsel for Cinemark Holdings, Inc.; Cinemark USA, Inc.; Christus Health a/k/a Christus Health Non-Profit Corp.; Christus Health Foundation; Dollar General Corp.; National Vision, Inc.; Office Depot, Inc.; Regis Corporation; and Spencer Gifts LLC. /s/ Thomas W. Cunningham

FRANK A. ANGILERI fangileri@brookskushman.com THOMAS W. CUNNINGHAM tcunningham@brookskushman.com JOHN LEROY jleroy@brookskushman.com 1000 Town Center, 22<sup>nd</sup> Floor Southfield, Michigan 48075 Tel: (248) 358-4400

COUNSEL FOR DEFENDANTS DOMINO'S PIZZA, INC. and TEREX CORPORATION

Fax: (248) 358-3351

## /s/ Margaret Elizabeth Day

Margaret Elizabeth Day (CA Bar No. 177125) Admitted to Practice Email: eday@feinday.com FEINBERG DAY ALBERTI & THOMPSON LP 401 Florence Street, Suite 200 Palo Alto, CA 94301 Telephone: (650) 618 4360

Telephone: (650) 618.4360 Facsimile: (650) 618.4368

Attorneys for Defendant MONSTER CABLE PRODUCTS, INC.

# /s/ Debby E. Gunter

Debby E. Gunter
debby@yw-lawfirm.com
Herbert A. Yarbrough, III
trey@yw-lawfirm.com
YARBROUGH ◆ WILCOX
100 E. Ferguson Street, Suite 1015
Tyler, TX 75702

Tel: 903-595-3111 Fax: 903-595-0191

COUNSEL FOR DEFENDANT ROSS STORES, INC.

## /s/ Allen F. Gardner

Michael E. Jones State Bar No. 10929400 mikejones@potterminton.com Allen F. Gardner State Bar No. 24043679 allengardner@potterminton.com POTTER MINTON A Professional Corporation 110 N. College Ave., Suite 500 Tyler, Texas 75702 Tel: (903) 597 8311

Fax: (903) 593 0846

Brian E. Turung FAY SHARPE 1228 Euclid Avenue, Suite 500 Cleveland, Ohio 44115 Tel: (216) 363-9000 Fax: (216) 363-9001

**COUNSEL FOR DEFENDANT** APPLIED INDUSTRIAL TECHNOLOGIES, INC.

## /s/ Scott Stevens

Scott Stevens State Bar No. 00792024 STEVENS LOVE P.O. Box 3427 Longview, Texas 75606 Telephone: 903-753-6760 Facsimile: 903-753-6761 scott@stevenslove.com

Daniel J. Schwartz SEYFARTH SHAW LLP 131 S. Dearborn Street - Suite 2400 Chicago, Illinois 60603 Telephone: (312) 460-5000 Facsimile: (312) 460-7000 dschwartz@seyfarth.com

ATTORNEYS FOR WHERE2GETIT, INC.; VF OUTDOOR, INC. D/B/A THE NORTH FACE; CHICK-FIL-A, INC.; MONSTER CABLE PRODUCTS, INC.; PATAGONIA, INC.; TCF CO. LLC, THE CHEESECAKE FACTORY INC.; VIEWSONIC CORP.; AND THE TIMBERLAND CO. D/B/A TIMBERLAND CO.

## /s/ Timothy S. Durst

Timothy S. Durst
Lead Attorney
Texas Bar No. 00786924
tim.durst@bakerbotts.com
Chad C. Walters
Texas Bar No. 24034730
chad.walters@bakerbotts.com
Susan Cannon Kennedy
Texas Bar No. 24051663
susan.kennedy@bakerbotts.com
BAKER BOTTS L.L.P.
2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
Telephone: 214-953-6500
Facsimile: 214-953-6503

Christopher W. Kennerly Texas Bar No. 00795077 chris.kennerly@bakerbotts.com

BAKER BOTTS L.L.P.

620 Hansen Way

Palo Alto, California 94304

Telephone: 650-739-7502 Facsimile: 650-739-7601

Benjamin R. Johnson Texas Bar No. 24065495 ben.johnson@bakerbotts.com BAKER BOTTS L.L.P. 98 San Jacinto Boulevard, Suite 1500 Austin, TX 78701-4078 Telephone: 512-322-2500

Facsimile: 512-322-2501

ATTORNEYS FOR DEFENDANTS
YELLOWPAGES.COM LLC, AT&T
MOBILITY LLC AND AT&T SERVICES, INC.

## /s/ Matthew A. Braunel

Dean L. Franklin dfranklin@thompsoncoburn.com Matthew A. Braunel mbraunel@thompsoncoburn.com Anthony F. Blum ablum@thompsoncoburn.com THOMPSON COBURN LLP One US Bank Plaza St. Louis, MO 63101 314-552-6000 FAX 314-552-7000

# Attorney for Defendant GANDER MOUNTAIN COMPANY

# /s/ Michael E. Schonberg

Bruce S. Sostek
State Bar No. 18855700
Bruce.Sostek@tklaw.com
Michael E. Schonberg
State Bar No. 00784927
Mike.Schonberg@tklaw.com
Vishal Patel
State Bar No. 24065885
Vishal.Patel@tklaw.com
Thompson & Knight LLP
One Arts Plaza
1722 Routh St., Suite 1500
Dallas, Texas 75201
214.969.1700
214.969.1751 (Fax)

Attorneys for Defendants VF Corporation; VF Jeanswear, L.P.

## /s/ Dru Montgomery

J. Thad Heartfield
Texas Bar No. 09346800
thad@jth-law.com
Dru Montgomery
Texas Bar No. 24010800
dru@jth-law.com
THE HEARTFIELD LAW FIRM
2195 Dowlen Road
Beaumont, Texas 77706
Telephone: (409) 866-3318
Fax: (409) 866-5789

# OF COUNSEL:

Guy A. Reiss (pro hac vice) Henry J. Cittone (pro hac vice) REISS+PREUSS LLP 1350 Avenue of the Americas, Suite 2900 New York, NY 10019 (646) 731-2770

ATTORNEYS FOR DEFENDANT MIELE INCORPORATED

# /s/ Ury Fischer

Ury Fischer
Florida Bar No. 0048534
ufischer@lfiplaw.com
Lott & Fischer, PL
355 Alhambra Circle, Suite 1100
Coral Gables, FL 33134
Telephone: 305.448.7089
Facsimile: 305.446-6191

Michael E. Jones
State Bar No. 10929400
mikejones@potterminton.com
Allen F. Gardner
State Bar No. 24043679
allengardner@potterminton.com
POTTER MINTON
A Professional Corporation
110 N. College, Suite 500 (75702)
P. O. Box 359
Tyler, TX 75710
Telephone: 903.597.8311
Facsimile: 903.593.0846

ATTORNEYS FOR DEFENDANT BROWN JORDAN INTERNATIONAL, INC.

/s/ Charles L. Stinneford

Charles L. Stinneford
State Bar No. 00785057
cstinneford@gordonarata.com
David V. Bryce
State Bar No. 24052876
dbryce@gordonarata.com
GORDON, ARATA, MCCOLLAM,
DUPLANTIS & EAGAN, LLC
1980 Post Oak Blvd.
Suite 1800
Houston, Texas 77056

Phone: (713) 333-5500 Fax: (713) 333-5501

Attorneys for Payless Car Rental System, Inc. and Avalon Global Group, Inc.

## /s/ M. Dru Montgomery

David M. Stein Texas State Bar No. 00797494 AKIN GUMP STRAUS HAUER & FELD LLP 633 West Fifth Street, Suite 5000 Los Angeles, CA 90071

Work: 213.254.1200 Fax: 213.254.1201 dstein@akingump.com

J. Thad Heartfield Texas Bar No. 09346800 E-mail: thad@jth-law.com M. Dru Montgomery Texas Bar No. 24010800 E-mail: dru@jth-law.com The Heartfield Law Firm 2195 Dowlen Road Beaumont, Texas 77706 Telephone: (409) 866-3318

Fax: (409) 866-5789

Counsel for Defendants Conn's Appliances, Inc., Conn's Inc., and Deli Management, Inc. d/b/a Jason's Deli

## /s/ Elizabeth L. DeRieux

Elizabeth L. DeRieux ederieux@capshawlaw.com CAPSHAW DERIEUX, LLP 114 E. Commerce Ave. Gladewater, Texas 75647 (903) 236-9800 (903) 236-8787

H. Jonathan Redway, Lead Attorney jredway@dickinsonwright.com DICKINSON WRIGHT PLLC 1875 I Street, NW, Suite 1200 Washington, DC 20006 Phone: (202) 457-0160

Fax: (202) 659-1559

# Attorneys for Defendant Carhartt Inc.

## /s/ James C. Tidwell

Andre R. Barry – NE Bar #22505 CLINE WILLIAMS WRIGHT JOHNSON & OLDFATHER, L.L.P. 233 South 13th Street 1900 U.S. Bank Building Lincoln, NE 68508-2095 (402) 474-6900 (402) 474-5393 fax abarry@clinewilliams.com

James C. Tidwell – TX Bar #20020100 WOLFE, TIDWELL & McCOY, LLP 320 N. Travis, Suite 205 Sherman, TX 75090 (903) 868-1933 (903) 892-2397 fax jct@wtmlaw.net

Attorneys for Defendant Godfather's Pizza, Inc.

# /s/ J. Thad Heartfield

J. Thad Heartfield
Texas Bar No. 09346800
thad@jth-law.com
M. Dru Montgomery
Texas Bar No. 24010800
dru@jth-law.com
THE HEARTFIELD LAW FIRM
2195 Dowlen Road
Beaumont, Texas 77706
Telephone: (409) 866-3318
Fax: (409) 866-5789

Michael R. Annis mike.annis@huschblackwell.com Husch Blackwell LLP 190 Carondelet Plaza, Suite, 600 Telephone: (314) 480-1500 Fax: (314) 480-1505

Attorneys for Defendant Bakers Footwear Group, Inc.

## /s/ Allen F. Gardner

Michael E. Jones
State Bar No. 10929400
mikejones@potterminton.com
Allen F. Gardner
State Bar No. 24043679
allengardner@potterminton.com
POTTER MINTON
A Professional Corporation
110 N. College Ave., Suite 500
Tyler, Texas 75702
Tel: (903) 597 8311
Fax: (903) 593 0846

Anthony Shaw shaw.anthony@arentfox.com ARENT FOX LLP 1050 Connecticut Avenue, NW Washington, DC 20036-5339 Telephone: 202.857.6227 Fax: 202.857.6395

Attorneys for Defendant Diesel U.S.A. Inc.

<u>/s/ Paul B. Kerlin</u>

Joseph M. Schreiber
Texas Bar No. 24037449
Paul B. Kerlin
Texas Bar No. 24044480
VORYS, SATER, SEYMOUR AND PEASE LLP
700 Louisiana Avenue, Suite 4100
Houston, Texas 77002
Tel: 713-588-7000
Fax: 713-588-7050

Tel: 713-588-7000 Fax: 713-588-7050 jmschreiber@vorys.com pbkerlin@vorys.com

William H. Oldach III, pro hac vice VORYS, SATER, SEYMOUR & PEASE LLP 1909 K Street, N.W., 9th Floor Washington, DC 20006 Phone: 202-467-8800

Facsimile: 202-533-9024 E-mail: wholdach@vorys.com

Robert T. Veon Texas Bar No. 20546550 VEON LAW FIRM, PA 117 E. Broad St. Texarkana, AR 71854 Phone: 870, 774, 7390

Phone: 870-774-7390 Facsimile: 870-773-3690

Email: robert.veon@veonfirm.com

ATTORNEYS FOR DEFENDANT ABERCROMBIE & FITCH CO.

/s/ William Cornelius

William Cornelius State Bar No. 04834700 Wilson, Robertson & Cornelius, P.C. P.O. Box 7339 Tyler, Texas 75711-7339

Telephone: (903) 509-5000 Facsimile: (903) 509-5091 wc@wilsonlawfirm.com

ATTORNEYS FOR DEFENDANT PSP GROUP, LLC D/B/A PET SUPPLIES PLUS

# /s/ Gregory R. Lyons

J. Thad Heartfield (TX Bar # 09346800)
M. Dru Montgomery (TX Bar # 24010800)
THE HEARTFIELD LAW FIRM
2195 Dowlen Road
Beaumont, Texas 77706
Tel: (409) 866-3318
Fax: (409) 866-5789
thad@jth-law.com
dru@jth-law.com

Gregory R. Lyons Brian H. Pandya (VA Bar # 72233) WILEY REIN LLP 1776 K Street NW Washington, DC 20006 Tel: (202) 719-7000 glyons@wileyrein.com bpandya@wileyrein.com

ATTORNEYS FOR DEFENDANT MERLE NORMAN COSMETICS

# /s/ J. Thad Heartfield

J. Thad Heartfield Texas Bar No. 09346800 M. Dru Montgomery Texas Bar No. 24010800 The Heartfield Law Firm 2195 Dowlen Rd Beaumont, TX 77706 409/866-3318 Fax: 14098665789

Email: thad@jth-law.com dru@jth-law.com

John P Higgins Summa Additon & Ashe, PA 11610 N Community House Rd Suite 200 Charlotte, NC 28277-2199 704/945-6704

Fax: 704/945-6735

Email: jhiggins@summalaw.com

Attorneys for Defendant Hallmark Cards Inc.

## /s/ Philip J. Moy Jr.

Philip J. Moy Jr. (Ohio Bar No. 0043568) FAY SHARPE LLP The Halle Building, 5th Floor 1228 Euclid Avenue Cleveland, OH 44115

Telephone: 216-363-9000 Facsimile: 216-363-9001 Email: pmoy@faysharpe.com

Attorneys for Defendant Things Remembered, Inc.

# /s/ Terrell R. Miller

tmiller@gardere.com

Ronald M. Gaswirth
Texas Bar No. 07752000
Terrell R. Miller
Texas Bar No. 24046446
GARDERE WYNNE SEWELL LLP
3000 Thanksgiving Tower
1601 Elm Street
Dallas, Texas 75201-4761
Telephone: (214) 999-3000
Facsimile: (214) 999-4667
rgaswirth@gardere.com

ATTORNEYS FOR DEFENDANT NEW ASHLEY STEWART, INC.

/s/ Charles Clark

Charles Clark (TX #04274000) chc@charlesclarklaw.com CLARK & PORTER P.O. Box 98 604 West Woldert Tyler, TX 75702

Telephone: 903/593-2514 Facsimile: 903/595-1294

David R. Barnard (Admitted pro hac vice) dbarnard@lathropgage.com
David R. Frye (Admitted pro hac vice) dfrye@lathropgage.com
LATHROP & GAGE LLP
2345 Grand Blvd., Ste, 2400
Kansas City, MO 64108
Telephone: 913/292-2000

Telephone: 913/292-2000 Facsimile: 913/292-2001

ATTORNEYS FOR DEFENDANT ALCO STORES, INC.

## /s/ Brian Craft

Brian Craft
State Bar No. 04972020
Eric H. Findlay
State Bar No. 00789886
Findlay Craft, LLP
Principal Office:
6760 Old Jacksonville Hwy
Suite 101 Tyler, Texas 75703
Tel: (903) 534-1100

Tel: (903) 534-1100 Fax: (903) 534-1137

Email: bcraft@findlaycraft.com Email: efindlay@findlaycraft.com

#### Of Counsel:

Brian G. Bodine (Pro Hac Vice) Tiffany Scott (Pro Hac Vice) 1420 Fifth Avenue, Suite 4100 Seattle, Washington 98101-2338 Telephone: (206) 223-7000 Facsimile: (206) 223-7107

E-mail: bodineb@lanepowell.com

scottt@lanepowell.com

# ATTORNEYS FOR INTELIUS INC.

By: /s/

# /s/ Hector J. Ribera

Hector J. Ribera
CA Bar No. 221511 (Admitted E.D. Tex.)
hribera@fenwick.com
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, California 94041
Telephone: (650) 988-8500
Facsimile: (650) 938-5200

Attorneys for Defendant ZOOSK, INC.

# /s/ Lisa A. Ferrari

Martin B. Pavane (admitted *pro hac vice*)
New York Bar No. 1528819
Lisa A. Ferrari (admitted *pro hac vice*)
New York Bar No. 2411759
COZEN O'CONNOR
277 Park Avenue
New York, New York 10172
Telephone: (212) 883-4900
Telecopy: (212) 986-0604

Email: mpavane@cozen.com lferrari@cozen.com

Kendall K. Hayden Texas State Bar No. 24046197 COZEN O'CONNOR 1717 Main Street Dallas, Texas 75201 Telephone: (214) 462-3000

Facsimile: (214) 462-3299 Email: khayden@cozen.com

**Attorneys for Beech Nut Nutrition Corp.** 

Trey Yarbrough
Bar No. 22133500
Debby E. Gunter
Bar No. 24012752
YARBROUGH ◆ WILCOX, PLLC
100 E. Ferguson St., Ste. 1015
Tyler, TX 75702
(903) 595-3111
Fax: (903) 595-0191
trey@yw-lawfirm.com
debby@yw-lawfirm.com

Nathan D. Meyer
CA Bar No. 239850
Marc A. Fenster
CA Bar No. 181067
Larry C. Russ
CA Bar No. 082760
RUSS, AUGUST & KABAT
12424 Wilshire Boulevard, 12th Floor
Los Angeles, California 90025
(310) 826-7474
Fax: (310) 826-6991
nmeyer@raklaw.com
mfenster@raklaw.com
lruss@raklaw.com

ATTORNEYS FOR DEFENDANT FOREVER 21 RETAIL, INC.

Trey Yarbrough
Bar No. 22133500
Debby E. Gunter
Bar No. 24012752
YARBROUGH ◆ WILCOX, PLLC
100 E. Ferguson St., Ste. 1015
Tyler, TX 75702
(903) 595-3111
Fax: (903) 595-0191
trey@yw-lawfirm.com
debby@yw-lawfirm.com

Burton S. Ehrlich John Luther Ladas & Parry LLP 224 S. Michigan Avenue Chicago, IL 60604 (312) 427-1300 Fax: (312) 427-6668

ATTORNEYS FOR DEFENDANT, HICKORY FARMS, INC.

Trey Yarbrough
Bar No. 22133500
Debby E. Gunter
Bar No. 24012752
YARBROUGH ◆ WILCOX, PLLC
100 E. Ferguson St., Ste. 1015
Tyler, TX 75702
Telephone: (903) 595-3111
Facsimile: (903) 595-0191
trey@yw-lawfirm.com

debby@yw-lawfirm.com

Anthony F. Lo Cicero Richard S. Mandaro Benjamin Charkow AMSTER ROTHSTEIN & EBENSTEIN LLP 90 Park Avenue New York, NY 10016 Telephone: (212) 336-8000 Facsimile: (212) 336-8001

ATTORNEYS FOR DEFENDANT DINEEQUITY, INC.

DineEq-GTag@arelaw.com

Trey Yarbrough
Bar No. 22133500
Debby E. Gunter
Bar No. 24012752
YARBROUGH ◆ WILCOX, PLLC
100 E. Ferguson St., Ste. 1015
Tyler, TX 75702
Telephone: (903) 595-3111
Facsimile: (903) 595-0191
trey@yw-lawfirm.com

debby@yw-lawfirm.com

Facsimile: (212) 336-8001

Anthony F. Lo Cicero Richard S. Mandaro Benjamin Charkow AMSTER ROTHSTEIN & EBENSTEIN LLP 90 Park Avenue New York, NY 10016 Telephone: (212) 336-8000

ATTORNEYS FOR DEFENDANT MACY'S RETAIL HOLDINGS, INC.

## /s/ J. Matt Rowan

E. Glenn Thames, Jr.
State Bar No. 00785097
glennthames@potterminton.com
J. Matt Rowan
State Bar No. 24033137
mattrowan@potterminton.com
POTTER MINTON, A Professional Corporation
110 N. College Avenue, Suite 500
Tyler, TX 75702
(903) 597-8311 (Telephone)
(903) 593-0846 (Facsimile)

Joseph J. Richetti joseph.richetti@bryancave.com BRYAN CAVE LLP 1290 Avenue of the Americas New York, NY 10104 Telephone: (212) 541-2000 Facsimile: (212) 541-4630

Thomas Jameson Adair thomas.adair@bryancave.com BRYAN CAVE LLP 2200 Ross Ave., Ste 3300 Dallas, TX 75201 214-721-8000 214-220-6733 (fax)

Counsel for dELiA\*s, Inc.

## /s/ J. Matt Rowan

E. Glenn Thames, Jr.
State Bar No. 00785097
glennthames@potterminton.com
J. Matt Rowan
State Bar No. 24033137
mattrowan@potterminton.com
POTTER MINTON, A Professional Corporation
110 N. College Avenue, Suite 500
Tyler, TX 75702
(903) 597-8311 (Telephone)
(903) 593-0846 (Facsimile)

Robert G. Lancaster rglancaster@bryancave.com BRYAN CAVE LLP 120 Broadway, Suite 300 Santa Monica, California 90401-2386 Tele: (310) 576-2239

Facs: (310) 5/6-2239

Wilhemina Joni Tyler wilhemina.tyler@bryancave.com BRYAN CAVE LLP 211 N Broadway, Suite 3600 St Louis, MO 63102-3600 314-259-2345 314-552-8345 (fax)

Counsel for American Apparel, Inc.

/s/ Thomas W. Cunningham

Frank A. Angileri (MI Bar No. P45611)
Thomas W. Cunningham (MI Bar No. P57899)
John S. LeRoy (MI Bar No. P61964)
BROOKS KUSHMAN P.C.
1000 Town Center, Twenty-Second Floor
Southfield, Michigan 48075
Telephone: (248) 358-4400
Facsimile: (248) 358-3351
fangileri@brookskushman.com
tcunningham@brookskushman.com
jleroy@brookskushman.com

Attorneys for Defendants Domino's Pizza, Inc. and Terex, Inc.

# /s/ Joel T. Beres

Joel T. Beres Lead Counsel Kentucky State Bar No. 84376 Jack A. Wheat Kentucky State Bar No. 75945 Jennifer L. Kovalcik Kentucky State Bar No. 89391 Lindsay Yeakel Capps Kentucky State Bar No. 92726 STITES & HARBISON, PLLC 400 West Market Street **Suite 1800** Louisville, KY 40202-3352 Telephone: (502) 587-3400 Facsimile: (502) 587-6391 jberes@stites.com jwheat@stites.com jkovalcik@stites.com lcapps@stites.com

Attorneys for Defendant Eyemart Express, Ltd.

# /s/ Jennifer Parker Ainsworth

Jennifer Parker Ainsworth (State Bar No. 00784720) jainsworth@wilsonlawfirm.com Wilson, Robertson & Cornelius, P.C. One American Center 909 ESE Loop 323, Suite 400 Tyler, Texas 75701 (903) 509–5000

Peter J. Brann pbrann@brannlaw.com David Swetnam-Burland dsb@brannlaw.com Stacy O. Stitham sstitham@brannlaw.com BRANN & ISAACSON 184 Main Street; P.O. Box 3070 Lewiston, ME 04243-3070 (207) 786-3566

# Attorneys for J. Crew Group, Inc.

## /s/ Elizabeth Flannery

Scott F. Partridge

Texas Bar No. 00786940

Email: scott.partridge@bakerbotts.com

Elizabeth Flannery

Texas Bar No. 24045815

Email: liz.flannery@bakerbotts.com

William P. Rothwell

Texas Bar No. 24066005

Email: william.rothwell@bakerbotts.com

BAKER BOTTS L.L.P.

One Shell Plaza

910 Louisiana Street

Houston, Texas 77002-4995

Telephone: (713) 229-1569 Facsimile: (713) 229-7769

# ATTORNEYS FOR DEFENDANT HEB GROCERY COMPANY, LP

# /s/ Bradley Chambers

Bradley Chambers
Texas State Bar No. 24001860
Baker, Donelson, Bearman, Caldwell & Berkowitz
1301 McKinney
Suite 3700
Houston, Texas 77010
(713) 286-7193 - Direct
(713) 650-9701 - Fax
bchambers@bakerdonelson.com

Bradley E. Trammell (Of Counsel)
Tennessee State Bar No. 013980
Baker, Donelson, Bearman, Caldwell & Berkowitz
165 Madison Avenue, Suite 2000
Memphis, Tennessee 38103
Telephone: (901) 577-2121
Facsimile: (901) 577-0781
btrammell@bakerdonelson.com

**Attorneys for Defendant Fred's, Inc.** 

/s/ Darren W. Saunders

John M. Jackson
Texas Bar No. 24002340
jjackson@jw.com
Matthew C. Acosta
Texas Bar No. 24062577
macosta@jw.com
JACKSON WALKER L.L.P.
901 Main Street, Suite 6000
Dallas, TX 75202
Telephone: (214) 953-6000

Telephone: (214) 953-6000 Facsimile: (214) 661-6645

Darren W. Saunders (admitted pro hac vice) dsaunders@manatt.com
Alpa V. Patel (admitted pro hac vice) avpatel@manatt.com
MANATT PHELPS & PHILLIPS LLP
Seven Times Square
New York, New York 10036
Tel: (212) 790-4500

Fax: (212) 790-4545

ATTORNEYS FOR DEFENDANT H&M HENNES & MAURITZ, L.P.

#### /s/ Allen Gardner

Jan M. Conlin (pro hac vice)
Thomas C. Mahlum (pro hac vice)
Andrew J. Pieper (pro hac vice)
ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
2800 LaSalle Plaza
800 LaSalle Avenue

Minneapolis, MN 55402-2015 T: 612-349-8500

F: 612-349-8500

Michael E. Jones (TX. No. 10929400)

POTTER MINTON P.C.

110 N. College

500 Plaza Tower

Tyler, TX 75702

T: (903) 597-8311

F: (903) 593-0846

# ATTORNEYS FOR DEFENDANT GREAT CLIPS, INC.

#### /s/ Allen Gardner

Jan M. Conlin (pro hac vice)

Thomas C. Mahlum (pro hac vice)

Andrew J. Pieper (pro hac vice)

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

2800 LaSalle Plaza

800 LaSalle Avenue

Minneapolis, MN 55402-2015

T: 612-349-8500

F: 612-339-4181

Michael E. Jones (TX. No. 10929400)

POTTER MINTON P.C.

110 N. College

500 Plaza Tower

Tyler, TX 75702

T: (903) 597-8311

F: (903) 593-0846

1. (703) 373 0040

# ATTORNEYS FOR DEFENDANT M.A.C. COSMETICS, INC.

#### /s/ David Bassett

David Bassett
WilmerHale
399 Park Avenue
NY, NY 10022
212.230.8858 (Telephone)
212.230.8888 (Facsimile)
David.Bassett@wilmerhale.com

John M. Jackson Nicole Ruble Metcalf JACKSON WALKER L.L.P. 901 Main Street, Suite 6000 Dallas, Texas 75202-3797 Telephone: (214) 953-6000 jjackson@jw.com nmetcalf@jw.com

Attorneys for Defendant The Yankee Candle Company, Inc.

#### /s/ Scott S. Brown

Scott S. Brown
MAYNARD, COOPER & GALE, P.C.
2400 Regions/Harbert Plaza
1901 Sixth Avenue North
Birmingham, AL 35203-2618
Tel: (205) 254-1232
Fax: (205)254-1999

scottbrown@maynardcooper.com

**Attorney for Defendant Factory Connection LLC** 

#### /s/ Allen F. Gardner

Michael E. Jones
State Bar No. 10929400
mikejones@potterminton.com
Allen F. Gardner
State Bar No. 24043679
allengardner@potterminton.com
Daniel A. Noteware, Jr.
State Bar No. 24051123
dannynoteware@potterminton.com
POTTER MINTON
A Professional Corporation
110 N. College Ave., Suite 500
Tyler, Texas 75702
Tel: (903) 597 8311

Tel: (903) 597 8311 Fax: (903) 593 0846

ATTORNEYS FOR DEFENDANT JIMMY JAZZ E-COMMERCE, LLC

#### /s/ Thomas L. Duston

Thomas L. Duston
State Bar. No.: 6196612
tduston@marshallip.com
Cullen N. Pendleton, Ph.D.
State Bar. No.: 6283725
cpendleton@marshallip.com
MARSHALL, GERSTEIN & BORUN LLP
6300 Willis Tower
233 South Wacker Drive
Chicago, IL 60606-6357
T: 312.474.6300

**Attorneys for Defendant** Classified Ventures, LLC

#### /s/ Theodore Stevenson III

Theodore Stevenson, III Lead Attorney Texas State Bar No. 19196650 tstevenson@mckoolsmith.com Stacie L. Greskowiak Texas State Bar No. 24074311 sgreskowiak@mckoolsmith.com 300 Crescent Court, Suite 1500 Dallas, Texas 75201 Phone: (214) 978-4000

Phone: (214) 978-4000 Fax: (214) 978-4044

### COUNSEL FOR BILLABONG RETAIL INC.

#### /s/ J. Daniel Harkins

J. Daniel Harkins State Bar No. 09008990 dharkins@coxsmith.com Marissa Dawn Helm State Bar No. 24046273 mhelm@coxsmith.com

### COX SMITH MATTHEWS INCORPORATED

112 E. Pecan Street, Suite 1800 San Antonio, Texas 78205 (210) 554-5500 (210) 226-8395 (Fax)

#### Attorneys for Visionworks of America, Inc.

#### /s/ Andrew C. Warnecke

Andrew C. Warnecke (admitted pro hac vice)
Joshua J. Heidelman (admitted pro hac vice)
Bryan Cave LLP
161 N. Clark St., Suite 4300
Chicago, IL 60601
Telephone: (312) 602-5000
Fax: (312) 602-5050
andrew.warnecke@bryancave.com
joshua.heidelman@bryancave.com

Thomas J. Adair
Texas Bar No. 24047753
Bryan Cave LLP
JP Morgan Chase Tower
2200 Ross Avenue, Suite 3300
Dallas, Texas 75201
Telephone: (214) 721-8000
Fax: (214) 721-8100
thomas.adair@bryancave.com

## ATTORNEYS FOR DEFENDANT BIOSCRIP, INC

#### /s/ Andy H. Chan

Thomas F. Fitzpatrick
CA State Bar No. 193565
tfitzpatrick@goodwinprocter.com
Andy H. Chan
CA State Bar No. 242660
achan@goodwinprocter.com
GOODWIN PROCTER LLP
135 Commonwealth Drive
Menlo Park, CA 94025
(650) 752-3100 (Telephone)
(650) 853-1038 (Facsimile)

Charles Ainsworth
State Bar No. 00783521
Parker, Bunt & Ainsworth, P.C. charley@pbatyler.com
100 E. Ferguson, Suite 1114
Tyler, TX 75702
(903) 531-3535 telephone
(903) 533-9687 fax
charley@pbatyler.com

Attorneys for Defendant Draper's & Damon's, LLC

#### /s/ James E. Hudson III

James E. Hudson III
Texas Bar No. 00798270
CRAIN, CATON & JAMES, P.C.
1401 McKinney, Suite 1700
Houston, Texas 77010
713.752.8652
713.425.7952 Fax
jhudson@craincaton.com

ATTORNEY FOR DEFENDANT CURVES INTERNATIONAL, INC.

#### /s/ Gregory L. Lippetz

Gregory L. Lippetz Iman Lordgooei JONES DAY 1755 Embarcadero Road Palo Alto, CA 94303

Telephone: (650) 739-3939 Facsimile: (650) 739-3900 E-mail: glippetz@jonesday.com E-mail: ilordgooei@jonesday.com

## Attorneys for Defendant Toni&Guy USA, LLC

#### /s/ Devan V. Padmanabhan

Devan V. Padmanabhan (admitted pro hac vice) dpadmanabhan@winthrop.com
Justin H. Jenkins (#24051866)
jjenkins@winthrop.com
WINTHROP & WEINSTINE, P.A.
Capella Tower, Suite 3500
225 South Sixth Street
Minneapolis, MN 55402
Telephone: (612) 604-6411

Telephone: (612) 604-6411 Facsimile: (612) 604-6891 Indianapolis, IN 46204

Attorneys for Defendants bestbuy.com, Life Time Fitness, Inc., and Jos. A. Bank Clothiers

#### /s/ Jeffrey C. Morgan

Todd G. Vare (admitted pro hac vice) BARNES & THORNBURG LLP 11 S. Meridian Street

Indianapolis, IN 46204

Telephone: (317) 231-7735 Facsimile: (317) 231-7433 Email: tvare@btlaw.com

Jeffrey C. Morgan Georgia Bar No. 522667 BARNES & THORNBURG LLP Prominence in Buckhead 3475 Piedmont Road, N.E. Suite 1700 Atlanta, GA 30305

Telephone: (404) 264-4015 Facsimile: (404) 264-4033 Email: jeff.morgan@btlaw.com

S. Calvin Capshaw, III State Bar No. 03783900 Elizabeth L. DeRieux State Bar No. 05770585 D. Jeffrey Rambin State Bar No. 00791478 CAPSHAW DeRIUEX LLP 114 E. Commerce Avenue Gladewater, TX 75647

Telephone: (903) 233-4816 Facsimile: (903) 236-8787

Email: ccapshaw@capshawlaw.com Email: ederieux@capshawlaw.com Email: jrambin@capshawlaw.com

## ATTORNEYS FOR DEFENDANT WILD BIRDS UNLIMITED, INC.

#### /s/ Matias Ferrario

Matias Ferrario NC Bar No. 38723 mferrario@kilpatricktownsend.com KILPATRICK TOWNSEND & STOCKTON LLP 1001 West Fourth Street Winston-Salem, NC 27101-2400

Telephone: 336.607.7300 Facsimile: 336.607.7500

Michael E. Jones
State Bar No. 10929400
mikejones@potterminton.com
Allen F. Gardner
State Bar No. 24043679
allengardner@potterminton.com
POTTER MINTON
A Professional Corporation
110 N. College, Suite 500 (75702)
P. O. Box 359
Tyler, TX 75710
Telephone: 903.597.8311

Telephone: 903.597.8311 Facsimile: 903.593.0846

ATTORNEYS FOR DEFENDANTS
AGCO CORP., LABORATORY
CORPORATION OF AMERICA HOLDINGS,
LABORATORY CORPORATION OF
AMERICA, VICTORINOX SWISS ARMY,
INC.,GENESCO INC., AND SUNBELT
RENTALS, INC.

#### /s/ Matias Ferrario

Matias Ferrario NC Bar No. 38723 mferrario@kilpatricktownsend.com KILPATRICK TOWNSEND & STOCKTON LLP 1001 West Fourth Street Winston-Salem, NC 27101-2400

Telephone: 336.607.7300 Facsimile: 336.607.7500

Geoffrey Gavin ggavin@kilpatricktownsend.com KILPATRICK TOWNSEND & STOCKTON LLP Suite 2800 1100 Peachtree Street Atlanta, GA 30309-4528

Telephone: 404.815.6500 Facsimile: 404.815.6555

Michael E. Jones
State Bar No. 10929400
mikejones@potterminton.com
Allen F. Gardner
State Bar No. 24043679
allengardner@potterminton.com
POTTER MINTON
A Professional Corporation
110 N. College, Suite 500 (75702)
P. O. Box 359
Tyler, TX 75710
Telephone: 903.597.8311

Telephone: 903.597.8311 Facsimile: 903.593.0846

### ATTORNEYS FOR DEFENDANT THE ROCKPORT COMPANY, LLC

#### /s/ Don Tiller

David H. Harper
Texas State Bar No. 09025540
david.harper@haynesboone.com
Donald E. Tiller
Texas State Bar No. 24066197
don.tiller@haynesboone.com
HAYNES AND BOONE, LLP
2323 Victory Avenue, Suite 700
Dallas, Texas 75219

Tel: 214-651-5000 Fax: 214-651-5940

ATTORNEYS FOR DEFENDANT, COLDWATER CREEK INC. AND ZALE DELAWARE, INC.

#### /s/ Don Tiller

Thomas J. Williams (Lead Attorney)
State Bar No. 21578500
thomas.williams@haynesboone.com
HAYNES AND BOONE, LLP
201 Main Street, Suite 2200
Fort Worth, TX 76102
Tel: (817) 347-6600
Fax: (817) 347-6650
Donald E. Tiller
State Bar No. 24066197
don.tiller@haynesboone.com
HAYNES AND BOONE, LLP
2323 Victory Avenue, Suite 700
Dallas, Texas 75219
Tel: 214-651-5000

Tel: 214-651-5000 Fax: 214-651-5940

ATTORNEYS FOR DEFENDANT, PROGRESSIVE CONCEPTS INC.

/s/ Melissa R. Smith

Melissa R. Smith State Bar No. 24001351 GILLAM & SMITH, L.L.P. 303 South Washington Avenue Marshall, Texas 75670 Telephone: (903) 934-8450 Facsimile: (903) 934-9257 melissa@gillamsmithlaw.com

Jonathan N. Zerger jzerger@shb.com Beth A. Larigan blarigan@shb.com Admitted pro hac vice SHOOK, HARDY & BACON LLP 2555 Grand Blvd. Kansas City, Missouri 64108-2613

Telephone: 816.474.6550 Facsimile: 816.421.5547

ATTORNEYS FOR DEFENDANT CIRCLE K STORES, INC.

#### /s/ David J. Healey

David J. Healey (healey@fr.com) Texas Bar No. 0932790 Claire M. Devine (devine@fr.com) Texas Bar No. 24080858 FISH & RICHARDSON P.C. 1221 McKinney, Suite 2800 Houston, Texas 77010 Phone: 713-654-4300

Fax: 713-652-0109

Clayton E. Dark, Jr. Law Office of Clayton E. Dark, Jr. P.O. Box 2207 Lufkin, TX 75902-1733 Phone: 936-637-1733 Fax: 936-637-2897

Email: cekrad@yahoo.com

ATTORNEYS FOR BROOKSHIRE BROTHERS, LTD.

#### /s/ B. Lance Vincent

B. Lance Vincent
Texas Bar No. 20585580
Ritcheson, Lauffer & Vincent PC
2 American Center
821 ESE Loop 323, Suite 530
Tyler, Texas 75701
Tel: (903) 535-2900
Fax: (903) 533-8646
lancev@rllawfirm.net

Mark P. Wine (admitted pro hac vice)
Calif. State Bar No. 189897
Thomas J. Gray (admitted pro hac vice)
Calif. State Bar No. 191411
Benjamin S. Lin (admitted pro hac vice)
Calif. State Bar No. 232735
ORRICK HERRINGTON & SUTCLIFFE LLP
2050 Main St., Suite 1100
Irvine, CA 92614
Tel: (949) 567-6700
Fax: (949) 567-6710
mwine@orrick.com
tgray@orrick.com
blin@orrick.com

ATTORNEYS FOR DEFENDANTS ACE HARDWARE CORPORATION, AERPOSTALE, INC., CHARLOTTE RUSSE, INC., CHRISTOPHER & BANKS CORP. D/B/A/ CHRISTOPHER & BANKS D/B/A CJ BANKS, COST PLUS, INC. D/B/A COST PLUS WORLD MARKET, DICK'S SPORTING GOODS, INC., BABIESRUS.COM, LLC, TOYSRUS.COM, LLC, GEOFFREY, LLC, TOYS "R" US, INC., TOYS "R" US-**DELAWARE, INC., GENERAL NUTRITION** CENTERS, INC., GENERAL NUTRITION CORPORATION, GSI COMMERCE, INC., HAGGAR CLOTHING CO., HAGGAR DIRECT, INC., LEVI STRAUSS & COMPANY, MEE ACCESSORIES LLC (F/K/A MARC ECKO ENTERPRISES ACCESSORIES, LLC), MEE DIRECT LLC (F/K/A ECKO DIRECT. LLC) (D/B/A MARC ECKO ENTERPRISES), MEE APPAREL LLC (F/K/A ECKO

COMPLEX LLC), YAKIRA, LLC, MAURICES INC., NAUTICA RETAIL USA, INC., PETSMART INC., PETSMART STORE SUPPORT GROUP, INC., QUIKSILVER D/B/A ROXY, SPANX, INC., THE SPORTS AUTHORITY, INC., GROUPE DYNAMITE, INC., VERA WANG BRIDAL HOUSE LTD, AND VEW LTD.

#### /s/ Brian Erickson

BRIAN K. ERICKSON
Texas Bar No. 24012594
Brian.Erickson@dlapiper.com
HENNING SCHMIDT
Texas Bar No. 24060569
Henning.Schmidt@dlapiper.com
DLA PIPER LLP (US)
401 Congress Avenue, Suite 2500
Austin, TX 8701
Phone: (512) 457-7000

Phone: (512) 457-7000 Fax: (512) 457-7001

ATTORNEYS FOR DEFENDANTS CINNABON, INC., MOE'S FRANCHISOR, LLC, SCHLOTZSKY'S FRANCHISE, LLC, BURT'S BEES, INC., DESTINATION MATERNITY CORPORATION, CACHE INC., AND CLAIRE'S STORES INC.

#### /s/ H. Arnold Shokouhi

Levi G. McCathern, II State Bar No. 00787990 Imccathern@mccathernlaw.com H. Arnold Shokouhi State Bar No. 24056315 arnolds@mccathernlaw.com McCathern Mooty Grinke, LLP Regency Plaza 3710 Rawlins, Ste. 1600 Dallas, Texas 75219 214-741-2662 - Telephone 214-741-4717 - Facsimile

#### Of counsel:

William H. Mandir Kelly G. Hyndman Leigh Ann Lindquist SUGHRUE MION, PLLC 2100 Pennsylvania Ave NW Suite 800 Washington, DC 20037 Telephone: (202) 293-7060 Fax: (202) 293-7860

## Attorneys for Defendant KAMPGROUNDS OF AMERICA, INC.

#### /s/ Steven M. Hanle

Steven M. Hanle shanle@sheppardmullin.com Mark L. Blake mblake@sheppardmullin.com SHEPPARD, MULLIN, RICHTER & HAMPTON LLP 650 Town Center Drive, 4th Floor Costa Mesa, CA 92626 Telephone: (714) 513-5100 Facsimile: (714) 513-5130

Attorneys for Defendant HOT TOPIC, INC.

/s/ David K. Anderson

David K. Anderson SBT No. 01174100 SDT No. 7405 ANDERSON & CUNNINGHAM, P.C. 1221 Lamar, Suite 1115 Houston, Texas 77010 Telephone: 713-655-8400 FAX: 713-650-0260

#### OF COUNSEL:

Julie B. Cunningham SBT No. 05240700 SDT No. 15051 ANDERSON & CUNNINGHAM, P.C. 1221 Lamar, Suite 1115 Houston, Texas 77010 Telephone: 713-655-8400 FAX: 713-650-0260

Steven A. Haber
Matthew A. Green
OBERMAYER REBMANN MAXWELL &
HIPPEL LLP
One Penn Center, 19th Floor
1617 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103-1895
Telephone: 215-665-3000
Fax: 215-665-3165

Attorneys for Defendant iCIMS, Inc.

#### /s/ Joel T. Beres

Joel T. Beres Lead Counsel Kentucky State Bar No. 84376 William Charles Ferrell, Jr. Kentucky State Bar No. 90934 STITES & HARBISON, PLLC 400 West Market Street Suite 1800 Louisville, KY 40202-3352 Telephone: (502) 587-3400

Facsimile: (502) 587-3400 Facsimile: (502) 587-6391 jberes@stites.com wferrell@stites.com

ATTORNEYS FOR DEFENDANT HELLO METRO INCORPORATED

#### /s/ Sherry H. Flax

Sherry H. Flax, pro hac vice (Md. admitted) sflax@saul.com
Sarah F. Lacey, pro hac vice (Md. admitted) slacey@saul.com

#### SAUL EWING LLP

Lockwood Place 500 East Pratt St., 9th Floor Baltimore, MD 21202 Tel: (410) 332-8784 Fax: (410) 332-8785

Michael E. Jones State Bar No. 10929400 mikejones@potterminton.com Allen F. Gardner State Bar No. 24043679 allengardner@potterminton.com Daniel A. Noteware, Jr. State Bar No. 24051123 dannynoteware@potterminton.com

#### **POTTER MINTON**

110 N. College Ave., Suite 500 Tyler, Texas 75702 Tel: (903) 597-8311 Fax: (903) 593-0846

ATTORNEYS FOR DEFENDANT U.S. VISION, INC.

#### /s/ James J. DeCarlo

James J. DeCarlo decarloj@gtlaw.com Jonathan M. Dunsay, admitted *pro hac vice* dunsayj@gtlaw.com GREENBERG TRAURIG, LLP MetLife Building 200 Park Avenue New York, New York 10166 Telephone: (212) 801-9200

Mary-Olga Lovett lovettm@gtlaw.com State Bar No. 00789289 GREENBERG TRAURIG, LLP 1000 Louisiana Street, Suite 1700 Houston, Texas 77002

Telephone: 713-374-3541 Facsimile: 713-374-3505

Facsimile: (212) 801-6400

Michael A. Nicodema, admitted *pro hac vice* Attorney in Charge nicodemam@gtlaw.com
GREENBERG TRAURIG, LLP
200 Park Avenue
PO Box 677
Florham Park, New Jersey 07932
Telephone: 973-360-7900

Kimberly A. Warshawsky warshawskyk@gtlaw.com GREENBERG TRAURIG, LLP 2375 East Camelback Road, Suite 700 Phoenix, Arizona 85016 Telephone: 602-445-8000

Facsimile: 602-445-8100

Facsimile: 973-301-8410

ATTORNEYS FOR DEFENDANT CANON U.S.A., INC.

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on August 17, 2012, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Willem G. Schuurman

Willem G. Schuurman